

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PH, A MINOR, BY AND THROUGH HER
ADULT NEXT FRIEND AND LEGAL
GUARDIAN PATRICIA HUNT

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:24-CV-134-TBM-RPM

KESHAWN BELCHER, KELLY
SERVICES, INC., OCEAN SPRINGS
SCHOOL DISTRICT, and JOHN DOES 1-10

DEFENDANTS

JB, A MINOR, BY AND THROUGH HIS
ADULT NEXT FRIEND AND LEGAL
GUARDIAN JONATHAN BALDWIN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:24-CV-135-TBM-RPM

KESHAWN BELCHER, KELLY
SERVICES, INC., OCEAN SPRINGS
SCHOOL DISTRICT, and JOHN DOES 1-10

DEFENDANTS

DTC, A MINOR, BY AND THROUGH HER
ADULT NEXT FRIEND AND LEGAL
GUARDIAN LUIS MIGUEL TORRES MORALES

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:24-CV-136-TBM-RPM

KESHAWN BELCHER, KELLY
SERVICES, INC., OCEAN SPRINGS
SCHOOL DISTRICT, and JOHN DOES 1-10

DEFENDANTS

MOTION OF DEFENDANT KELLY SERVICES, INC. FOR SUMMARY JUDGMENT

COMES NOW DEFENDANT, Kelly Services, Inc., (“Kelly Services”), by and through its undersigned counsel, Deutsch Kerrigan, LLP, and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, submits this Motion for Summary Judgment, stating there is no genuine issue of

material fact to preclude entry of judgment in its favor on all counts of Plaintiffs' Complaints. In support of the relief requested herein, Kelly Services would show the following:

I.

1. The cases concern an alleged inappropriate relationship between Defendant KeShawn Belcher and the minor Plaintiffs who were students at Ocean Springs Middle School.¹

2. Plaintiffs contend Kelly Services was vicariously liable for the actions of KeShawn Belcher and further contends Kelly Services was negligent in its investigation, supervision, hiring, and retention of KeShawn Belcher as a substitute teacher.²

3. As is more fully explained in the contemporaneously filed Memorandum in Support of Summary Judgment, Kelly Services is entitled to summary judgment as a matter of law because KeShawn Belcher's alleged acts were criminal and/or intentional, were unauthorized and were without Kelly Services' knowledge or consent, served no business purpose of Kelly Services, and as a matter of law, employers are not vicariously liable for the unauthorized criminal or intentional acts of their employees under such circumstances. Moreover, there is no evidence Kelly Services, Inc., failed to investigate Belcher's background before offering him the opportunity to work as a substitute teacher, negligently retained him or that Kelly Services breached any duty of supervision.

II.

In support of this *Motion for Summary Judgment*, Defendant relies on its accompanying *Itemization of Undisputed Material Facts*, *Memorandum of Law in Support of Motion for Summary Judgment*, and the following exhibits:

¹ See Dkt. No. 2, Plaintiffs' Complaint

² *Id.*

Exhibit “A” – Affidavit from Kelly Services Incident Specialist, Sherree Bierman;

WHEREFORE, PREMISES CONSIDERED, Defendant Kelly Services, Inc., respectfully requests that Summary Judgment be granted in its favor with prejudice as to all the Plaintiff’s claims. Defendant further requests any other or additional relief that this Court deems proper in the premises.

RESPECTFULLY SUBMITTED, this the 7th day of January, 2025.

KELLY SERVICES, INC.

BY: Deutsch Kerrigan, L.L.P.

/s/ Peyton M. Farve

R. DOUGLAS VAUGHN (#99404)

PEYTON M. FARVE (#106682)

R. Douglas Vaughn (#99404)

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Attorneys For Defendant Kelly Services, Inc

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the ECF system which sent notification of such filing to all enrolled counsel of record and that I placed in the United States mail a copy of the foregoing pleading to Defendant Keshawn Belcher at the following address:

Keshawn Belcher
Jackson County Adult Detention Facility
65 Bruce Evans Dr.
Pascagoula, MS 39567

This, the 7th day of January, 2024.

/s/ Peyton M. Farve

PEYTON M. FARVE (#106682)

R. Douglas Vaughn (#99404)

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